

Brown says the issue stems from the Supreme Court's ruling in a case where environmental groups sued to stop the Navy from testing mid-frequency active sonar because of possible damage to whales and other sea mammals. The supremes ruled that it was improper to issue an injunction stopping the tests because there was only the possibility of harm, not that it was likely. Experts said at the time that the case would make it harder for environmental groups to get preliminary injunctions in the future.

A recent case Brown argued over a massive federal salvage-logging project in Montana's Big Hole Valley has clarified the ruling. U.S. District Judge Donald Molloy had ruled against an injunction to stop the timber sale because he said based on the Supreme Court ruling the conservationists didn't prove that "irreparable injury is likely."



In addition to its regular criteria, the 9th Circuit has what is known as a "sliding scale" test that is used to determine whether a preliminary injunction is justified. That test, Brown says, was not addressed in the Supreme Court's ruling, which dealt with the other set of criteria for deciding on a preliminary injunction, and so wasn't affected by it. The 9th Circuit overturned Molloy's decision in September and the Department of Justice sought a rehearing. The 9th Circuit denied the government's request on Jan. 25.

The government could still petition the Supreme Court to rule on the Montana case, *Alliance for the Wild Rockies v. Cottrell*.

Brown says the case has implications not just for environmentalists but also for any group trying to stop a potentially harmful federal project. — Camilla Mortensen

SLANT

• Find a **good essay on Egypt** in *The Nation* this week by Jonathan Schell, who writes, "If the world has a heart, it beats now for Egypt. Not of course, the Egypt of President Hosni Mubarak — of the rigged elections, the censored press, the axed internet, the black-clad security police and the tanks and the torture chambers, but the Egypt of the intrepid ordinary citizens who, almost entirely unarmed, with little more than their physical presence in the streets and their prayers, are defying this whole apparatus of intimidation and violence in the name of justice and freedom."

Schell writes about how the "rules" of revolution are changing, and "Courage becomes as contagious as the fear once was." It's a hopeful essay, but he cautions that the power vacuum is also dangerously unpredictable.

• Who do you call when you want someone with experience to weigh in on whether **big sports donors control universities**? We weren't surprised to see that *The New York Times* called on the UO for its Jan. 29 article on the UConn donor who pulled \$3 million from the Huskies when they hired a new football coach without "sufficiently consulting" him. The UO would never be THAT owned by a donor ... but the *NYT* reminded readers of back in 2000 when Phil Knight pulled a \$30 million donation from the UO because it joined the Worker Rights Consortium, which criticized Nike's sweatshop practices. Then-president Dave Frohnmayer canceled UO's membership in the WRC and Knight repaid the money. UO literature professor Jim Earl spoke for all underpaid profs and grad students teaching in classrooms badly in need of renovation when he told the *NYT*: "Universities are starving. They are in terrible condition, while athletics departments are booming with millionaires giving millions of dollars." See the whole story at <http://wkly.ws/10w>

• Lane County is still abuzz over **Judge Michael Gillespie's recent opinion** against Lane County Commissioners Rob Handy and Pete Sorenson on Oregon's Open Meetings Law, and most of the talk is about how this ruling runs counter to the realities of government decision-making, from little city committees to the halls of Congress. Gillespie has in effect ruled that two officials can't talk to each other or carry on "serial" email conversations about issues yet to be decided.

So what about a citizen talking privately to a councilor about an issue coming up for vote? And what if that citizen talks to other councilors about what the first councilor said? Is that a "serial" conversation? It can certainly affect a final vote and it's all done in private meetings, phone calls, emails or by carrier pigeon.

What's ironic here is that Lane County government has become much more transparent in recent years than it was in the past. Many more public meetings are being held and the commissioners are much more accessible to their constituents. County government used to be more secretive, and we've heard tales (unconfirmed) of one commissioner in the 1990s standing in the hallway outside commissioner offices and carrying on conversations with two other commissioners through open doors. The three commissioners were technically not in the same room at the same time. No quorum violation?

Conversations between two officials on a five-member board should not be constricted by our Open Meetings Law. Elected and unelected officials at all levels of government constantly share information and ideas with each other — information that often leads to better decisions when issues come up for public discussion and voting. Gillespie's absurd ruling needs to be overturned.

• "A big frickin' announcement" this week from the **Oregon Bus Project**. Founder Jefferson Smith has stepped down as executive director after nine years of

guiding one of Oregon's great political projects into national notoriety. New director is Caitlin Baggott. Jefferson calls her "one of the very smartest, toughest and most caring people I know." We wonder what Jefferson will do next. He's a state senator, one of the youngsters in Gov. Kitzhaber's inner circle, clearly creative and deeply committed to better government in Oregon. Bring on the next amazing bus project!

• Federal Judge Roger Vinson's opinion declaring **Obamacare unconstitutional** could help open the door to single-payer, says Rep. Dennis Kucinich, the Ohio Democrat who has a considerable following in Eugene and Oregon. If the U.S. Supreme Court agrees that it's unconstitutional to require Americans to buy health insurance, and all bets point in that direction from this court, the new health care law is in trouble. Then let's move on to some version of single-payer, the Canadian system, which is better anyway, and far cheaper. How to get from here to there through this more conservative Congress? You tell us — and Kucinich and Obama. Meanwhile, Rep. Peter DeFazio is offering "opt-out" legislation. Don't want mandatory insurance? Just agree to waive any future taxpayer-subsidized health care. The problem is that hospitals can't (and shouldn't) deny care to anyone in need.

• What do you do on a **Thursday night in Eugene** if you're under 21, still wired from trouncing the Oregon women's basketball team, stuck at the Hilton, and love to dance? Easy. You straighten up your crimson sweats and talk your way into joining 700 mostly shorter South Eugene High students gyrating to a DJ's music on the Hilton dance floor. Lucky for the Stanford women and the South kids, the dance was Thursday night because Friday was a no-school day.

SLANT includes short opinion pieces, observations and rumor-chasing notes compiled by the EW staff. Heard any good rumors lately? Contact Ted Taylor at 484-0519, editor@eugeneweekly.com

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